



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.21962 of 2019

and

W.M.P. (MD) No.18723 of 2019

WEB COPY

S.Amutha

... Petitioner

vs.

1.The Joint Director

Office of Joint Director
(Higher Secondary Education)
College Road, Chennai-6

2.The Chief Education Officer

Office of Chief Education Officer
Cena.Vana. Higher Secondary School
Thoothukudi

3.The District Education Officer

Office of Chief Education Officer
Cena.Vana.Higher Secondary School
Thoothukudi

4.The Secretary and Correspondent

Shri.Ramakrishna Chithamparesvar
Higher Secondary School
Udangudi-628 203
Thoothukudi District

4.M.Muthuramalingam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records pertain to the appointment proceedings letter No.77/9B/2017-2018, dated 31.05.2018, passed by the fourth respondent and quash the same as which was passed illegally and further direct the third respondent to appoint petitioner in the fourth respondent school in the higher secondary commerce post.

For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mr.G.V.Vairam Santhosh

Additional Government Pleader for R1 to R3

Mr.K.K.Udayakumar

for Mr.H.Arumugam for R4

O R D E R

The relief sought for in this writ petition is to quash the impugned order dated 31.05.2018, passed by the fourth respondent -



School appointing the fifth respondent as Teacher and to direct the third respondent to appoint the petitioner as Teacher in the fourth respondent - School in Higher Secondary Commerce post.

2. The learned counsel appearing for the petitioner contended that during the pendency of this writ petition, the Management of the School found that the fifth respondent submitted a false certificate and secured appointment in an illegal manner. Therefore, the appointment of the fifth respondent was not approved by the competent Educational Authorities. However, it is contended that, the fifth respondent is working in the fourth respondent - School as unapproved staff. This Court need not consider the claim of the petitioner for quashing the appointment order issued to the fifth respondent as the appointment of the fifth respondent was not approved by the competent Educational Authorities. That apart, allowing a person to continue as unapproved staff by the Management of the Institution need not be gone into by the High Court in this writ petition as it is the discretion of the Management.

3. The learned counsel for the petitioner further contended that under Rule 15 of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973, the petitioner is eligible for appointment. Mere eligibility for appointment is not a ground to issue direction to the Authorities concerned to appoint a person in a particular post. All appointments are to be made strictly in accordance with the Rules in force. The fourth respondent - School is an Aided School and therefore, they are bound by the Acts and Rules in vogue and whenever the process of appointment is undertaken, the School is bound to follow the Rules in force and select the candidate by providing equal opportunity to all the eligible candidates. Therefore, this Court cannot issue any positive direction to appoint the petitioner in a particular post of Teacher and if the petitioner is otherwise found to be eligible, she is at liberty to participate in the selection process whenever the process of appointment is undertaken by the School-Management. As far as the relief sought for in this writ petition is concerned, it deserves no further consideration as the appointment of the fifth respondent has not been approved by the Educational Authorities.

4. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (LA&MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To:

- 1.The Joint Director,
Office of Joint Director,
(Higher Secondary Education),
College Road, Chennai-6.
- 2.The Chief Education Officer,
Office of Chief Education Officer,
Cena.Vana. Higher Secondary School,
Thoothukudi.
- 3.The District Education Officer
Office of Chief Education Officer
Cena.Vana.Higher Secondary School
Thoothukudi

+1 CC to M/s.SPL GP (SR-4722[F] dated 08/02/2022)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-5118[F] dated 09/02/2022)

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NA (CO)

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